

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-38 are currently pending in this application.

Re Amendment to the Specification

This Response corrects a typographical error in the specification.

Re 35 U.S.C. § 102 and 35 U.S.C. § 103(a) Rejections

Claims 1, 8, 9, 17, 23 and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by PCT Published Application No. WO 92/22983 to Browne et al. (referred to as "Brown" below). Claims 2-7, 10-16 and 18-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Browne in view of U.S. Patent No. 6,324,338 to Wood et al. (referred to below as "Wood"). And claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Browne in view of U.S. Patent No. 6,581,207 to Sumita et al. (referred to below as "Sumita"). Applicant respectfully traverses these rejections for the following reasons.

As amended, independent claim 1 recites a method comprising: automatically selecting a candidate program to record; storing information about the candidate program in a first part of a time-dependent buffer arrangement, to provide candidate information; recording program information associated with the selected candidate program, to provide recorded program information; and storing the recorded program information in a second part of the time-dependent buffer arrangement, wherein the candidate information and the recorded program information define program-related information. Claim 1 further specifies that the program-related information advances through the time-dependent buffer arrangement in the manner of a shift register, from the first part to the second part of the time-dependent buffer arrangement.

1 None of the applied documents discloses the above-identified combination of
2 features, whether these documents are considered alone or in any combination. For
3 instance, Browne discloses a multi-source recorder player 100 having a FIFO buffer
4 104c. The FIFO buffer 104c temporarily caches programs from a selection of channels
5 on a FIFO basis and retains certain of those programs as selected by a user, or as selected
6 by the user's viewing patterns recognized by a neural network analysis circuit 114 (page
7 7, lines 24-29). After user or neural network selection, the program is retained by being
8 added to a stored program list 600 (page 7, lines 29-31). The memory is cycled because
9 the FIFO buffer 104c causes only selected desired programming to be stored in storage
10 section 104 and listed in the stored program list 600 (page 6, line 33 to page 7, line3).
11 Programs are not actually moved from the FIFO buffer 104c to storage section 104, but
12 rather, the reference to them is added to the stored program list (page 8, lines 6-8).

13 Based on this description, it is clear that Browne does not employ the features
14 identified in claim 1, such as the feature in which program-related information advances
15 through a time-dependent buffer arrangement in the manner of a shift register, from a
16 first part to a second part of the time-dependent buffer arrangement. In other words,
17 although Browne employs a FIFO buffer 104c, candidate information and recorded
18 program information do not advance through this buffer 104c in the manner recited in
19 claim 1. Indeed, from the passages excerpted above, Browne appears to store programs
20 and then cull a program list 600 based on the stored programs, rather than "automatically
21 selecting a candidate program to record," and then "recording program information
22 associated with the selected candidate program," as recited in claim 1.

23 Wood fares no better than Browne in meeting the features of amended claim 1.
24 Wood discloses a processor 101 coupled in communication with a channel guide database
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1 103, a criteria database 104, and video storage 105 (column 2, lines 39-41). The criteria
2 database 104 provides criteria for selection of programming from the channel guide
3 database (column 3, lines 22 and 23). Based on matches between the criteria database
4 104 and the channel guide database 103, the processor 101 causes video input signals to
5 be recorded in video storage 105 (column 3, lines 24-27). At any time, the user may
6 preview shows which will be recorded based on the criteria information provided
7 (column 6, lines 49 and 50). In other embodiments, a channel guide database 103 may be
8 stored on a remote server and periodically queried for matches with the criteria database
9 104 (column 3, lines 12-13). In such an embodiment, the locally stored channel guide
10 database 103 would be replaced with a "match" database (column 3, lines 13-15).

11 Based on this description, it is clear that Wood does not employ the features
12 identified in claim 1, such as the feature in which program-related information advances
13 through a time-dependent buffer arrangement in the manner of a shift register, from a
14 first part to a second part of the time-dependent buffer arrangement. In other words,
15 although Wood appears to have some ability to prospectively identify programs that will
16 be recorded, and then record these programs, there is no disclosure that these fields of
17 information are managed in the manner recited in claim 1, where, for instance, candidate
18 information and recorded program information advance through a time-dependent buffer
19 arrangement in the manner recited in claim 1.

20 Sumita is likewise deficient with respect to amended claim 1. Sumita discloses an
21 information filtering unit 2 which receives programs and an electric program guide from
22 a broadcasting station 1, and performs analysis on this information (column 4, lines 39-
23 48). The analysis of the filtering unit 2 is delivered to video equipment 4 on the user
24 side, which uses this information to automatically record a broadcast directly received
25

1 from the broadcasting station 1 (column 4, lines 48-57). As indicated in Fig. 18, the
2 information filtering unit 2 can also instruct the recording equipment 4 what programs to
3 record, which prompts the video equipment 4 to later record these programs.

4 Based on this description, it is clear that Sumita does not employ the features
5 identified in claim 1, such as the feature in which program-related information advances
6 through a time-dependent buffer arrangement in the manner of a shift register, from a
7 first part to a second part of the time-dependent buffer arrangement. In other words,
8 although Sumita appears to have some ability to prospectively identify programs that will
9 be recorded, and then record these programs, there is no disclosure that these fields of
10 information are managed in the manner recited in claim 1, where, for instance, candidate
11 information and recorded program information advance through a time-dependent buffer
12 arrangement in the manner recited in claim 1.

13 For at least the above-identified reasons, the Applicant submits that claim 1 is
14 allowable over Browne, Wood and Sumita, whether these documents are considered
15 alone or in any combination. Independent claims 9 and 17 recite related subject matter to
16 claim 1, and are therefore allowable for reasons similar to those specified above.

17 The remainder of the rejected claims depend variously on claims 1, 9 and 17, and
18 are therefore allowable for at least this reason.

19 For at least the above-identified reasons, the Applicant respectfully requests that
20 the § 102 and § 103 rejections be withdrawn.

21 *Re the Newly Added Claims*

22 A number of dependent claims have been added in this Response (i.e., claims 26-
23 28, 30-32 and 34-37). These claims are allowable at least by virtue of their respective
24 dependencies on claim 1, 9 or 17.
25

1 Three related independent claims have also been added in this Response (i.e.,
2 claims 29, 33 and 38). For instance, claim 29 recites a method comprising: automatically
3 selecting a candidate program to record by scanning an electronic program guide (EPG)
4 based on definable user selection criteria to identify the candidate program; recording
5 program information associated with the selected candidate program, to provide recorded
6 program information; and storing the recorded program information in a time-dependent
7 buffer arrangement, wherein the user selection criteria is based on a rate at which a user
8 consumes recorded program information stored in the time-dependent buffer
9 arrangement. None of the applied documents discloses this combination of elements.
10 For instance, Wood discloses performing fuzzy matching based on assumptions about the
11 viewing habits of the user (column 6, lines 13-15). But none of the documents discloses
12 or suggests basing selection criteria on the rate at which a user consumes recorded
13 program information. Accordingly, the Applicant submits that independent claims 29, 33
14 and 38 are allowable over the applied documents, whether considered alone or in any
15 combination.

16 *Information Disclosure*

17 Applicant notifies the Examiner of the following products: ReplayTV products
18 produced by Digital Networks North America Company of Santa Clara, CA (current
19 website: <<http://www.digitalnetworksna.com/replaytv/default.asp>>), and TiVo products
20 produced by TiVo Inc. of Alviso, CA (current website: <<http://www.tivo.com/0.0.asp>>).

21 *Conclusion*

22 To clarify the record, the arguments presented above are not exhaustive;
23 Applicant reserves the right to present additional arguments to fortify its position.
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25

1 Further, Applicant reserves the right to challenge the prior art status of one or more
2 documents cited in the Office Action.

3 All objections and rejections raised in the Office Action having been addressed, it
4 is respectfully submitted that the present application is in condition for allowance and
5 such allowance is respectfully solicited. The Examiner is urged to contact the
6 undersigned if any issues remain unresolved by this Amendment.

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8 Respectfully Submitted,

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10 Dated: May 12, 2004

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